

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF TEXAS

United States of America)

v.)

Case No. M-18-0297-M

ROMERO-DUARTE, Selvin Manuel YOB: 1987)
 POB: Honduras POB: Honduras)
 FUENTES-POSOS, Arnol Adalberto YOB: 1972)

Defendant(s)

Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/8/2018 in the county of Hidalgo in the
SOUTHERN District of TEXAS, the defendant(s) violated:

Code Section

Offense Description

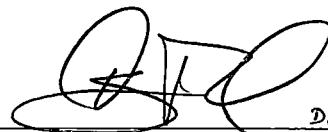
21 USC 841 (b) (1)

Knowingly and intentionally possess with
 intent and conspiracy to distribute
 approximately 107.5 kilograms of
 marijuana, a schedule I controlled
 substance.

This criminal complaint is based on these facts:

(See Attachment I)

☒ Continued on the attached sheet.



DEA TFO

Complainant's signature

Osiel Reyes, DEA Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/9/2018

City and state: McAllen, Texas



Judge's signature

J. Scott HACKER, Magistrate Judge

Printed name and title

Attachment I

On February 8, 2018 at approximately 9:00 A.M., United States Border Patrol Agents responded to an activation of a camera of two individuals, each carrying one bundle of suspected narcotics near Dipping Vats in Havana, Texas. Aerostat 1 was able to observe two subjects by the railroad tracks walking north carrying each a bundle of suspected narcotics. Aerostat was able to describe the first male subject wearing a black jacket and blue jeans who was carrying a bundle. The second male subject that was following the first male subject, was carrying a bundle as well, which Aerostat 1 was unable to describe the type of clothing.

Aerostat 1 provided the direction of travel to the ground Border Patrol Agents, which Border Patrol agents responded to the area, also known as the two-story house in Havana, Texas. This area is notorious for narcotic and alien smuggling. Border Patrol Agents continued south towards the railroad tracks in attempt to locate the two male subjects with the assistance of an Omaha unit. Omaha unit was able to guide the ground Border Patrol Agents to the location of a male subject who was wearing a black jacket, blue jeans and gray Nike shoes. The male subject matched the description that Aerostat 1 had provided earlier to Border Patrol Agents by the railroad tracks. The male subject was placed under arrest and was identified as Selvin Manuel Romero Duarte who was located approximately 20 yards west from two bundles of suspected marijuana. Border Patrol Agents observed Romero's back and neck area to have red markings in his right shoulder area, which is consistent with the carrying of a bundle.

Following the arrest of Romero, Omaha informed ground Border Patrol Agents that a second male subject was running south from their location. Border Patrol Agents to include a canine handler with Border Patrol were able to apprehend the second male subject who was wearing a red and gray striped sweater and camouflage pants. The second male subject was placed under arrest and identified as Arnol Adalberto Fuentes Posos. Border Patrol Agents and the service canine proceeded back to the original location where Aerostat 1 had initially observed the two male subjects. Border Patrol Agents searched the area for any remaining bundle of suspected narcotics, which Border Patrol Service Canine alerted and traced the odor to source and discovered three more bundles of suspected narcotics.

Upon arrival at the McAllen Border Patrol station, Border Patrol Agents were provided with the images from a Buckeye Camera of the two male subjects carrying a bundle each. Both male subjects in the image matched the description of clothing of Selvin Manuel Romero Duarte and Arnol Adalberto Fuentes Poso. A total of five (5) bundles of marijuana were recovered by Border Patrol Agents for further processing with a combined approximate weight of 107.5 kilograms.

On the same date, at approximately 1:15 p.m., TFO Osiel Reyes, and TFO Miguel Hernandez responded to the McAllen Border Patrol Station to interview Romero and Fuentes. At approximately 2:00 p.m., TFO Reyes as witnessed by TFO Hernandez, read Romero his Miranda Warnings in his preferred language in Spanish. Romero acknowledged his rights, but refused to answer any questions by agents. At this time, agents terminated the interview.

At approximately 2:15 p.m., TFO Osiel Reyes witnessed by TFO Miguel Hernandez, read Fuentes his Miranda Warnings in his preferred language in Spanish. Fuentes understood his rights and was willing to freely and voluntarily answer questions without a lawyer present. Fuentes stated that he had crossed into the United States from Mexico in an inflatable raft along with nine (9) other immigrants. FUENTES stated once he arrived to the United States, five (5) of the immigrants to include himself had to carry a bundle of narcotics ordered by an unknown male subject only identified as, "Flaco". FUENTES stated that his intentions were to cross the river from Mexico into the United States in the attempt to see his family in the State of Arizona. FUENTES stated that he did not have a choice in carrying the bundle of narcotics because if he did not carry the bundle, he (FUENTES) was going to be assaulted. FUENTES stated he began to walk north with the group. FUENTES stated, once he observed the helicopter above them, all the immigrants ran south. FUENTES stated he dropped the bundle of narcotics and began to run as well, but was apprehended immediately. Interview was concluded at approximately 2:35 p.m.